

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELL AND NETWORK SELECTION LLC,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 6:13-cv-403-LED-KNM
v.	§	
	§	
AT&T INC., <i>et al.</i> ,	§	Jury Trial Demanded
	§	
	§	
Defendants.	§	

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT ZTE’S MOTION TO
STRIKE SECOND AMENDED INFRINGEMENT CONTENTIONS AND IN THE
ALTERNATIVE MOTION FOR LEAVE UNDER P.R. 3-6(b)**

Plaintiff Cell and Network Selection, LLC, (“Plaintiff” or “CNS”), files this Response to the Defendants ZTE Corporation, ZTE (USA) Inc., and ZTE Solutions Inc.’s (collectively “ZTE”) Motion to Strike (Doc. No. 201) (filed August 21, 2014) (herein collectively, “Motion to Strike”).

On August 8, 2014, Defendants MetroPCS Communications, Inc., MetroPCS Wireless, Inc., and MetroPCS Texas, LLC’s (collectively, “MetroPCS”) filed their Motion to Strike (Doc. No. 197).

On August 21, 2014, ZTE also filed its Motion to Strike (Doc. No. 201) with substantively the same arguments previously advanced by MetroPCS.

On August 27, 2014, for the Court’s convenience, Plaintiff CNS filed one consolidated response to both Motions to Strike titled “Plaintiff’s Consolidated Response in Opposition to Defendants’ Motion to Strike Second Amended Infringement Contentions and in the Alternative Motion for Leave Under P.R. 3-6(b).” (Doc. No. 207). Plaintiff’s Consolidated Response addresses all arguments raised by MetroPCS and ZTE. Thus, CNS incorporates by reference

herein, its responsive briefing as set forth in Plaintiff's Consolidated Response in Opposition to Defendants' Motion to Strike Second Amended Infringement Contentions and in the Alternative Motion for Leave Under P.R. 3-6(b). (Doc. No. 207).

Respectfully submitted,

Dated: August 27, 2014

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**ATTORNEYS FOR CELL AND
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to FED. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 27th day of August, 2014.

/s/ John D. Saba
John D. Saba, Jr.